## SENATE BILL                                        No. 1235

### Introduced by Senator Bowen

February 6, 2006

An act to amend Section 15360 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1235, as amended, Bowen. Elections.

Existing law requires the Secretary of State to establish the specifications and the regulations governing voting machines, voting devices, and any software used, including the programs and procedures for vote tabulating and testing. The Secretary of State may not approve any voting system that does not fulfill statutory and regulatory requirements.

Existing law requires, during the official canvas of every election in which a voting system is used, a public manual tally of the ballots tabulated by those devices cast in 1% of the precincts chosen at random by the elections official.

This bill would provide that the tallied ballots include the absent voter's ballots, provisional ballots, and ballots cast at satellite location. The bill *and* would also require the elections official to use either a random number generator or other method specified by the Secretary of State to randomly choose the initial precincts subject to the public manual tally. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1    SECTION 1. Section 15360 of the Elections Code is
2  amended to read:
3    15360. *(a)* During the official canvass of every election in
4  which a voting system is used, the official conducting the
5  election shall conduct a public manual tally of the ballots
6  tabulated by those devices, including absent voter's ballots,
7  ~~provisional ballots, and ballots cast at satellite locations,~~ cast in 1
8  percent of the precincts chosen at random by the elections
9  official. If 1 percent of the precincts should be less than one
10  whole precinct, the tally shall be conducted in one precinct
11  chosen at random by the elections official.
12    In addition to the 1 percent count, the elections official shall,
13  for each race not included in the initial group of precincts, count
14  one additional precinct. The manual tally shall apply only to the
15  race not previously counted.
16    Additional precincts for the manual tally may be selected at the
17  discretion of the elections official.
18    *(b) If absentee ballots are cast on a direct recording electronic*
19  *voting system at the office of an elections official or at a satellite*
20  *location of the office of an elections official pursuant to Section*
21  *3018, the official conducting the election shall either include*
22  *those ballots in the manual tally conducted pursuant to*
23  *subdivision (a) or conduct a public manual tally of those ballots*
24  *cast on no fewer than 1 percent of all the direct recording*
25  *electronic voting machines used in that election chosen at*
26  *random by the elections official.*
27    ~~The~~
28    *(c) The* elections official shall use either a random number
29  generator or other method specified in regulations that shall be

1 adopted by the Secretary of State to randomly choose the initial
2 precincts *or direct recording electronic voting machines* subject
3 to the public manual tally.
4     SEC. 2.  If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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